

CONVICT SCORES IN TILT WITH LAWYER

Burns, Confessing to Save Baksa Girl, Amazes and Amuses Court Room.

HAS LEGAL KNOWLEDGE

Admits Numerous Crimes, Confesses Prosecutor and Makes Judge Laugh.

James F. Burns, in Sing Sing under the name of Regan, confessed in court yesterday that he and not Elizabeth Baksa murdered Mrs. Helen Hamel, for whose death the girl is being tried.

His native acuteness made him a pert and fascinating witness. He argued with the Judge, upset the prosecutor by his knowledge of law, blantly confessed to numerous crimes, including the robbery of the home of one of the alienists who recently examined him, and when pressed too hard took refuge in technical objections, in which Judge Rosalesky was forced to sustain him.

He time and again provoked laughter by his snort of person who would be interested in justice as a general proposition.

"Did your conscience trouble you?" asked Assistant District Attorney Talley, rigorously probing for the construction of a motive.

"Well," said Burns easily, "I don't know as I have any from what I've heard."

Tells of His Exploits.

He croaked one leg over the other as he told of his many midnight excursions into other people's homes and of a career so successful that he was able, when he chose, to buy an expensive automobile in which he could trail his other prospective victims and become acquainted with their habits.

He smiled easily as he told of going about with Brooklyn detectives on the occasion of his last conviction, and pointing out to them houses he had robbed.

"One of them was, I think, the home of a minister next to Judge Dike's," he said solemnly.

"Why didn't you rob Judge Dike's?" he was asked.

"Well, I would have, but he was in," he said quickly, and a laugh rippled over the court in which Judge Rosalesky joined.

The only thing Burns refused to divulge was the name of his partner in the Hamel murder, or details of the crime he committed in the days when he spent part of his time following Mrs. Hamel in his automobile. The morning of the murder, February 13, he and his partner went down to West Twenty-third street about 11 o'clock and stood for some time across the street watching the Hamel house. He had a revolver and a blackjack in his pocket.

"We saw two men enter and my partner went in about half past 12 or so, or 1 o'clock. I stood outside ten or fifteen minutes before I entered."

"How did you go?"

"I went in through the door," he said, yawning.

"Did you see a girl?"

"No, not until we went out."

"Did you see anybody go out?"

"Yes, a woman."

She dashed out a door leading into the hall near the front of the house, he said, and he followed her to the street to see if she went in the direction of the West Twentieth street police station. Then he went back and saw his partner again. He had hold of Mrs. Hamel.

Saw Her "Cave In," He Says.

"I saw a struggle going on, and then she sagged, sort of caved in, as I went in the room."

At this point Judge Rosalesky again took occasion to warn him that his testimony could be used against him, but Burns repeated that he appeared voluntarily and that he fully appreciated what the effect of his testimony might be.

"What did you see in the kitchen, or do you saw your partner and the woman?"

"I tied a towel around her neck," he said.

Then Burns ran up stairs and took what money and jewelry he could find. He went outside, signalled to his partner and they both left. Later they met in Harlem, at a place he refused to mention, and divided up the money. He didn't get as much as he expected, he said, because he forgot the mattress in his car.

"Do you care for this girl?"

"No, why should I care for her, I never saw her before."

"You know of your own knowledge that this girl didn't kill Mrs. Hamel?"

"I do, I ought to," he replied.

When Mr. Talley took Burns in hand it was with the attempt to show that writing letters confessing to crimes was almost a habit with him. He admitted that in April of his year he had written to District Attorney Swann that he had information about the murder of Harry Cohen, called Harry the Yot, a gambler whose death had never been cleared up.

Had a Motive for Lying.

He said he had told detectives that he had pegged a bullet into the Yot, but that it was not the truth; that he had an object in doing it.

Burns had a very little tilt with Mr. Talley when the prosecutor tried to find out where it was that Burns had twice tried to commit suicide by his confession to Mr. Talley to "bring it out in your own way."

A little later Mr. Talley took up his last conviction in Brooklyn, when there were five other indictments against him. Burns took a piece of quill and said he was told that the other indictments would be quashed. He had been convicted six times.

"You knew you could be sent up for life on an habitual criminal?" asked Mr. Talley.

"I knew better," he snapped back. "I knew I could not."

MRS. WARNER GAY, SAYS FATHER-IN-LAW

Sugar Refiner Tells of Kicking Correspondent Out of the Party.

SHOW GIRL'S RAID TALE

She Declares Holbrook "Always Acted Like a Gentleman Should" at Inn.

Charles M. Warner, head of the Warner Sugar Refining Company and a member of the war time Sugar Board, went on the witness stand before Judge Scudder and a jury in the Supreme Court at Minerva yesterday and added the final touch of liveliness to the evidence that has been produced at the trial of his son's divorce action against Mrs. Louise G. Warner.

The elder Warner testified that Charles Blaine Warner, his son, was ill last June and compelled to rest in a sanitarium. Mrs. Warner stayed at the Warner place at Kensington, Great Neck, where the elder Warner always lived during the summer with his considerable daughter-in-law. The younger Warner, he testified, occupied his New York apartment in the winter.

While his son still was in the sanitarium, Mr. Warner testified, his daughter-in-law telephoned and asked him to go to dinner at her home. He promised he would, but was held later than he expected at a business conference in New Jersey. That made it necessary for him, according to his testimony, to call the younger Mrs. Warner on the telephone and tell her he could not keep the dinner engagement.

House Was All Lit Up.

Circumstances were altered a little later and Mr. Warner said he did run down to Kensington. He found the house all lit and his daughter-in-law acting as hostess to a house party of considerable size. He looked around for his son's wife, but she was "in the shadows," he said, and when she did finally emerge where he could get a good view of her she was accompanied by Harry P. Holbrook, a member of the New York Athletic Club, who has been named as accomplice.

"She came up to me and introduced him," Mr. Warner testified. "I said, 'Yes, I have heard of him,' and grabbed him by the throat, then kicked him off the porch and told him never come back again. I would kill him."

"I left the house soon after that," Mr. Warner continued. "Later I saw my daughter-in-law in my apartment in Manhattan and told her I had heard she had spent the day of the Red Cross parade in Holbrook's apartment."

Thereafter Mr. Warner testified to the part he had in the raid on the apartment where Mrs. Warner, Jr., was found at Goshen Inn last May. He told of the apartment being broken into and how he had found his daughter-in-law and Holbrook there. It was then, as previously testified, that Mrs. Warner stepped up to the father-in-law and said, "I am sorry, daddy, don't tell Blaine. Kiss me, daddy."

Liquor Bills Were Heavy.

Soon after that Mr. Warner testified, his daughter-in-law wanted money. While Charles Blaine Warner was away, he said, he gave the son's wife \$27,000. "I paid many of her bills," he added, "and there were some pretty stiff ones for liquor. Under cross-examination the elder Warner said he objected to some of the gowns he had seen his daughter-in-law wear in her home at Kensington. One in particular, he said, was a transparent come, the same she wore the night of the raid at the Goshen Inn."

The other side of the raid story came from Mrs. May Fickling, 690 West 113th street, who insisted upon being called as a showgirl and not a chorus girl, because, she said, she didn't dance. She just wore pretty clothes, cut décolleté. Her husband, Isaac Oeland, Mr. Warner's lawyer, wanted to know if they weren't cut low, and she answered affirmatively. And then he wanted to know if they were cut high "from the bottom," and she said no indeed, for she wore a train.

Mrs. Fickling insisted Mrs. Warner was in the room when the raid was made and that Holbrook was occupying an adjoining room. "When the door crashed," she testified, "Mrs. Warner was standing in the door near the bathroom, which divided it from Holbrook's room." She said the raiders rushed in and forced Mrs. Warner into the hall, with Holbrook and closed the door behind them. She said then the elder Warner came into the room and Mrs. Warner told him she was innocent, and the father-in-law said he knew it, but the case looked bad.

Mrs. Fickling testified she never had seen any improper acts between Mrs. Warner and the corporation. He always acted "like a gentleman should," she said.

The case probably will be concluded to-day.

CITY HALL PARK WILL LOSE BOND CHIMNEY

Shaft of Bricks to Begin Fading Away To-day.

New York's eyesore of a chimney, which is the chimney child of Mayor Hylan's Committee of Women on National Defense, will begin to fade out of the City Hall Park landscape this morning.

Mrs. William Randolph Hearst and the Knickerbocker Ice Company, for use of the other day's defenders of the Mayor's committee, once gave shelter to the idea that the chimney might stay there for ever and ever, but when the idea reached the public the 4-fencing ladies didn't have the heart to attempt a defense of the chimney.

So down it comes at the hand of Albert A. Volk, a contractor, who has paid \$200 for the privilege of taking it down and carting away the bricks. Some of the bricks won't be carted away, the committee hopes. The chimney was built of bricks, one being given to each purchaser of a \$50 Liberty bond in the recent loan campaign.

Those who desired, were permitted to photograph their bricks, and now they will be permitted to buy them back at 50 cents per brick and a post card picture of the shaft. President Wilson photographed two bricks for the chimney. They will be sold at auction and then all the money will be used for war charities.

Widow and Son Are Chief Beneficiaries in His Will.

Louis C. Krauthoff, who died October 25, left an estate of more than \$1,000,000. His widow, Margaret Grant Krauthoff of the Hotel Plaza, got \$100,000 outright and the life income from a trust fund of \$500,000, the principal of which is to go on her death to their son, Philip C. Krauthoff of Queens, L. I. The latter gets \$100,000 additional and is named as residuary legatee.

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ARTIFICIAL ICE TAX TO BE INVESTIGATED

Fund of \$500,000 Said to Have Been Raised.

The fund created by R. B. Odell, Ice Controller, by the 3-cent tax on tax against manufacture of artificial ice, will be investigated by the District Attorney's office. This was announced yesterday by Edwin P. Kilroe, Assistant District Attorney, who is making preliminary investigation to precede the grand jury inquiry suggested by Mayor Hylan.

"This tax has no warrant in law," Mr. Kilroe said. "I am reliably informed that upward of \$500,000 has been collected in this way, ostensibly to reimburse the Burns Bros. Company, and the Knickerbocker Ice Company, for ice used in the other day's defenders of the Mayor's committee, once gave shelter to the idea that the chimney might stay there for ever and ever, but when the idea reached the public the 4-fencing ladies didn't have the heart to attempt a defense of the chimney."

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WAITERS' STRIKE SHUTS CHURCHILL'S

Captain Refuses Employees' Demand for \$40,000 Annual Wage Increase.

240 "HELP" WALK OUT

Trouble Spreads to Pekin and Daly's Restaurants and Hotel Endicott.

Aded Broadway habitues, drifting up through the Roaring Forties last night for their vespertine bite, got a real thrill when they lolled up to Forty-ninth street.

Churchill's, "not a restaurant but an institution," was dark. Cap'n Jim, more unlike his debonair self than at any time, since he quit the Police Department, opened up a pretentious eat-drink-and-be-merry place and threw away the key, could be seen anxiously pacing his acres of snowy linen in darkness.

And well might Cap'n Jim pace thus anxiously, for he had a strike on his hands. The entire Churchill entourage, consisting of some 240 waiters, chefs, kitchen help and bus boys, had walked out at 7 o'clock, leaving him the disconsolate monarch of all he surveyed.

The only grain of satisfaction Cap'n Churchill was able to console himself with was the fact that he learned of the impending strike in time to turn his early evening patrons not to order food. So that when he informed a delegation representing his employees that he was unable to meet their demands, which he said represented a \$40,000 annual increase of his payroll, there were no patrons with orders unfilled.

At midnight the Captain was in doubt whether he would be able to reopen to-night.

The situation at it developed yesterday is being viewed with complacency by the hotel and restaurant men. The hotels, it is said by the hotel men's association, have scarcely been affected by the withdrawal of help due to the extension of the strike. The several restaurants at which waiters have taken place are declared to have been supplied with competent help. It is asserted by the hotel men that some of the strikers are applying for their old jobs. There are, however, the places only where there are vacancies.

As showing how well they have the situation in hand, the association yesterday announced that its labor bureau had responded to an emergency call from the U. S. S. George Washington, requesting that waiters and cooks be provided to serve the Presidential party on the trip abroad. The best men at hand were supplied immediately.

A lookout of the waiters and cooks at the Pekin and Daly's restaurants and at the Hotel Endicott was followed by a strike declaration against these places.

More than thirty pickets have been arrested in the past two days. It is alleged by the police that the rules covering picketing have been violated. The union agreed to post only four pickets before each establishment. Wherever more appeared they were arrested on charges of disorderly conduct. The pickets taken yesterday are held under \$100 bail each, to appear this morning in the West Side Court.

MISS MORTIMER FREE ON BAIL.

Miss Edith Mortimer, daughter of Stanley Mortimer of Wheatley Hills, L. I., entered a plea of not guilty yesterday when she was arraigned before County Judge Humphrey in the Long Island City Court on an indictment charging manslaughter in the second degree, recently returned by the grand jury. Her father, charged \$10,000 bail, and she was released.

Miss Mortimer was in the court room about half an hour and appeared under a great nervous strain. Her attorney, Thomas L. Hughes, assisted her when she was called to stand before the judge.

Judge Humphrey granted a fortnight for the presentation of a motion to set aside the indictment. It was found as a result of an automobile accident on Broadway, Flushing, the night of October 19, when the motorist, Edward Nathan Wasserman, alleged to have killed Nathan Wasserman, brother of Brooklyn and Martin de Mato of Maspeth, L. I.

TRAFFIC COP ABSENT, BROADWAY EXCITED

"Babe" McDonald Gets Warm Greeting on Return.

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Just because Babe McDonald didn't show up on his Broadway post on Monday all the big boys of Broadway, who had died of croup or homesickness or something, and Broadway almost had the story correct, inasmuch as Babe, although not dead, was in New Jersey.

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WIRE FRAUD KING FIGHTS FOR CONVICTS

Begins Appeal for New Good Conduct Rate.

Appeal is to be made to the highest judicial tribunal in the State for "justice" in the matter of time off for inmates of Sing Sing prison. Where prisoners now get ten days off for every forty of good conduct, they will presently get ten days for every thirty, if Charles Gordon's wishes prevail with the Court of Appeals.

Gordon, alias Charles McDonald, known in the world of crime as the "King of Wiretappers," consulted an assisting attorney yesterday morning a few minutes after he had completed his fourth year term.

Despite the fact that his wife, in a luxuriously furnished suite in an Atlantic City hotel, was anxiously awaiting his return, Gordon shoved into his pocket the railroad ticket which the State had given him and announced that he was going to stay in Ossining until the legal machinery for fighting the monstrous wrong in the matter of good conduct time was set in motion.

In quick succession Sing Sing Gordon leaves vacant the very desirable berth of "fire chief" in Thomas Mott Osborne's regime, as one of the leaders of the "Tammany" element in the Mutual Welfare League, three many a pang into the heart of the warden by blocking some of Mr. Osborne's reforms, and the day after yesterday brought about the transfer of the insurgent to another prison, but when Warden Moyer took charge the "King" managed to be sent back to the Ossining resort, where he became director of the prison fire fighting force.

GEMS ON VIEW; \$500 A PEEP.

\$200,000 of Alien Jewels Will Be Auctioned To-morrow.

Upon the deposit of \$500 cash to assure the Alien Property Custodian that you are not a trifter you may have a peep at \$200,000 worth of pearls, rubies and emeralds which will again be displayed between the hours of 1:30 and 4 o'clock P. M. to-day, the same as yesterday, in Room 624, 110 West Forty-second street, Bureau of Sales, Alien Property Custodian.

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Upon the further payment of \$500 cash you may become a bidder upon this dazzling assortment, which embraces 323 pearls, three rubies and two emeralds, separated into thirty-eight lots, one comprising a group of fifty-four "perfectly matched high" emeralds, 427 red and orange pearls, aggregating 427.92 grains and averaging 7.92 grains each.

There is a clear cushion shaped ruby of 3.87 carats and a very brilliant ruby of 8.59 carats.

One of the emeralds is a square and the other, of 37.04 carats, is drop shaped. It was formerly the property of Joseph Hahn & Sons of London. There were \$4,000,000 worth of goods in the firm. The firm reported to the Alien Property Custodian. A public auction of the jewels will take place at 11 o'clock to-morrow morning.

INFLUENZA CASES INCREASE.

145 Are Reported, a Jump of 62 Over Monday's Total.

Reports to the Department of Health indicated 145 new cases of influenza yesterday, an increase of 62 over Monday's total. The increase was against 25 the day before. Forty-one new cases of pneumonia were reported, 20 more than during the preceding twenty-four hours. There were 20 deaths from the disease. The reports on Tuesdays are usually heavier than on other days. The returns by boroughs follow:

Boroughs. Influenza. Pneumonia. Manhattan 100 15. Brooklyn 40 10. Queens 5 2. Richmond 10 1. Totals 145 28.

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HAYWARD TELLS OF NEGROES' HEROISM

Colonel Pictures the Terrific Fighting in Which New Yorkers Took Part.

FRENCH AWARD CROSSES

Major Spencer, on Crutches, Describes Bravery Shown Under Rain of Shells.

Col. William Hayward, former Public Service Commissioner and now commanding officer of the old Fifteenth New York Infantry, tells of the experiences of the State's negro regiment in the great offensive in a letter just received by Gov. Charles S. Whitman. The letter, as given to the public yesterday with the permission of the Governor, said in part:

"There is so much to write about I feel like throwing down my pen and giving up to write one-tenth would fill a great book—and what shall I leave out?"

"You surely have heard we're in the great offensive starting September 26. I expressed my opinion at the time it seemed to me we were the offensive. Twelve days and nights our division (French) fought on. We advanced fourteen kilometers (nine or ten miles)."

"We had two weeks out for rest, then back in line in a sector the mere mention of which makes the Frenchman, officer and man, raise his eyebrows and shrug his shoulders. We lost a man an hour and an officer a day there for a while. It was from this sector we attacked on September 26, though all but two battalions of our division were out tuning up for several days before."

Into the Jaws of Death.

"At 5:25 we started and after that for twelve days it was inch by inch, foot by foot. German cannons and machine guns seemed to me were just growing out of the ground. I was shot in the arm and leg. I was awarded the Croix de Guerre. I was hit six times by machine guns almost at the start."

"We had everything happen to us which ever happened to a regiment and a lot of